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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR S 10-0223 JAM
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
HODA SAMUEL,	)	STIPULATION AND
CONNIE DEVERS,	)	ORDER FOR EXCLUSION OF TIME
DANA FAULKNER,	)	
TRACY PAINTER,	)	
YGNACIA BRADFORD, and	)	
SEAN PATRICK GJERDE,	)	
	)	
Defendants.	)	
_____	)	

On December 13, 2011, the above-referenced matter came on before the Court for a hearing on Defendant Bradford's motion to dismiss, defendants Painter and Devers' motions to continue the trial date, and trial confirmation. The Court denied the motion to dismiss, granted the motions to continue, and vacated the trial date. Trial was set to commence for all defendants on June 4, 2012. The Court requested that the government prepare a stipulation and proposed order excluding time from January 23, 2012 through June 4, 2012.

1 It is hereby stipulated and agreed to between the United States  
2 of America through Philip Ferrari, Assistant United States Attorney,  
3 and defendants Hoda Samuel, Connie Devers, Dana Faulkner, Tracy  
4 Painter, and Ygnacia Bradford, by and through their respective  
5 counsel, that the time from January 23, 2012, through the trial date  
6 of June 4, 2012, be excluded from computation under the speedy trial  
7 act, pursuant to 18 U.S.C. §§ 3161(h)(7)(B)(ii) and (iv) [complexity  
8 and reasonable time to prepare] (Local Codes T2 and T4). To date,  
9 the government has produced over 47,000 documents in discovery. The  
10 indictment charges conspiracy, mail fraud and false statements in  
11 mortgage applications relating to thirty separate residential real  
12 estate transactions. The case is complex. In addition, this case  
13 originally involved ten named defendants, six of whom are set to  
14 proceed to trial on June 4. One of those remaining defendants,  
15 Tracy Painter, was granted new counsel on November 29, 2011.  
16 Counsel for Ms. Painter has represented that while he could not be  
17 prepared to proceed on the previously set trial date of January 23,  
18 2012, he will be able to proceed by June 4, 2012. Another of the  
19 remaining defendants, Connie Devers, is unable to proceed to trial  
20 on January 23, 2012, and her counsel is hopeful she will be able to  
21 proceed on June 4, 2012, as well.

22 For all of the foregoing reasons, the signing parties stipulate  
23 and agree that the ends of justice are served by the Court excluding  
24 the time between January 23, 2012, and June 4, 2012, so that each  
25 defense counsel may have reasonable time necessary for effective  
26 preparation in this complex case, taking into account the exercise  
27 of due diligence. 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv).

28 Defendant Sean Gjerde does not join in this stipulation. As he

1 is awaiting the trial of his co-defendants, and no severance has  
2 been granted, the government submits that time is excludable as to  
3 Mr. Gjerde under 18 U.S.C. §3161(h)(6), Local Code R.

4  
5 IT IS SO STIPULATED.  
6

7 DATE: January 9, 2012 By: /s/ Philip A. Ferrari  
8 PHILIP A. FERRARI  
Assistant U.S. Attorney

9 DATE: January 9, 2012 By: /s/ Philip A. Ferrari for  
10 SCOTT TEDMON  
Counsel for Defendant  
11 HODA SAMUEL

12 DATE: January 9, 2012 By: /s/ Philip A. Ferrari for  
13 MARK REICHEL  
Counsel for Defendant  
14 CONNIE DEVERS

15 DATE: January 9, 2012 By: /s/ Philip A. Ferrari for  
16 JAN KAROWSKY  
Counsel for Defendant  
17 TRACY PAINTER

18 DATE: January 9, 2012 By: /s/ Philip A. Ferrari for  
19 ADANTE DE POINTER  
Counsel for Defendant  
20 DANA FAULKNER

21 DATE: January 9, 2012 By: /s/ Philip A. Ferrari for  
22 JOSEPH J. WISEMAN  
Counsel for Defendant  
23 YGNACIA BRADFORD  
24

25 Time is hereby excluded under the Speedy Trial Act from January  
26 23, 2012, through the trial date of June 4, 2012. The Court finds  
27 that in this case, for the reasons set forth above, the interests of  
28 justice served by granting this continuance outweigh the best

1 interests of the public and the defendants in a speedy trial, and  
2 that the referenced period of time should be excluded pursuant to  
3 Section 3161(h)(7)(B)(ii) (complexity), Section 3161(h)(7)(B)(iv)  
4 (reasonable time to prepare), and Section 3161(h)(6) (defendant  
5 awaiting trial of co-defendant when no severance is granted) (Local  
6 Codes T2, T4 and R).

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8 IT IS SO FOUND AND ORDERED.

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10 DATED: 1/9/2012

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/s/ John A. Mendez  
HON. JOHN A. MENDEZ  
UNITED STATES DISTRICT JUDGE